

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

HUSAYN E. ABDULLAH-AZIZ,  
Plaintiff,

vs.

AL-HADI SCHOOL OF ACCELERATED  
LEARNING,  
Defendant.

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CIVIL ACTION NO. \_\_\_\_\_  
(JURY DEMANDED IN ORIGINAL PETITION)

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant Anjuman-E-Haideri, Istna-Ashri Shia Muslim Association of Greater Houston, incorrectly identified as "Al-Hadi School of Accelerated Learning," removes this action from the 164<sup>th</sup> Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, on the following grounds:

1. On September 13, 2013, Plaintiff commenced this action by filing Plaintiff's Original Petition in the 164<sup>th</sup> Judicial District Court of Harris County, Texas; Cause No. 2013-54126. A copy of Plaintiff's Original Petition is attached as Exhibit "A."

2. Plaintiff's Original Petition incorrectly identifies the Defendant as the "Al-Hadi School of Accelerated Learning." No such entity exists. Defendant does operate a private Islamic school under the assumed name Al-Hadi School of Accelerative Learning.

3. Plaintiff's Original Petition fails to properly name Defendant's registered agent, Naushad Kermali. Defendant files this notice of removal within the 30-day time period following notice and receipt of the lawsuit, as required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). A copy of the Citation is attached at Exhibit "B."

4. Defendant filed its Original Answer in state court on October 14, 2013 and its First Amended Original Answer on October 22, 2013. A copy of Defendant's First Amended Original Answer is attached hereto as Exhibit "C." A copy of Defendant's Original Answer is attached hereto as Exhibit "D."

5. Removal is proper because Plaintiff's suit involves a federal question. *See* 28 U.S.C. §1331. Specifically, Plaintiff asserts claims under Title VII of the Civil Rights Act of 1964 ("Title VII") and the Fair Labor Standards Act ("FLSA.") *See* Plaintiff's Original Petition at 4, 10, 21, 22.

6. Consent of Defendant is not necessary because Defendant has a statutory right to remove. *See Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1253 (9th Cir. 2006).

7. This Court has supplemental jurisdiction over Plaintiff's claims under the Texas Labor Code and for breach of employment contract.

8. Pursuant to this Court's Local Rule 81, a List of Counsel of Record is attached hereto as Exhibit "E," and an Index of Items Being Filed with the Notice of Removal is attached hereto as Exhibit "F". The State Court's docket sheet is also attached hereto as Exhibit "G."

9. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

10. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

Since Plaintiff alleges claims that arise under federal law, this Court has jurisdiction and removal is proper. For these reasons, Defendant files this Notice of Removal reflecting the removal of Plaintiff's entire state court action now pending in the 164<sup>th</sup> Judicial District Court of

Harris County, Texas to the United States District Court for the Southern District of Texas,  
Houston Division for all future proceedings.

Respectfully submitted,

**SHELLIST | LAZARZ | SLOBIN LLP**

By: /s/ J. Alfred Southerland  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of this document was served on the following counsel of record, pursuant to the Federal Rules of Civil Procedure on October 23, 2013:

**Via Facsimile: (281) 833-3301**  
Mark William Gooden  
The Gooden Law Firm  
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Houston, Texas 77063

/s/ J. Alfred Southerland  
J. Alfred Southerland